

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

	X	
	:	
In re	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
	:	
	X	

**OBJECTION OF DEBTOR TO AMENDED MOTION  
TO PARTICIPATE IN ANY NEGOTIATIONS [DOCKET NO. 4077]**

The City of Detroit (the "City"), as the debtor in the above-captioned case, hereby asserts this objection (this "Objection") to the Amended Motion to Participate in Any Negotiations (Docket No. 4077) (the "Motion") filed by creditor Dennis Taubitz. In support of this Objection, the City respectfully represents as follows:

**Objection**

1. The Motion requests that Mr. Taubitz be permitted to "participate in any 'negotiation', 'meet and confer' or any other mechanism th[e] Court may seek to utilize to impair [Mr. Taubitz's] rights" on the grounds that Mr. Taubitz has been denied due process in the City's chapter 9 bankruptcy case by the "Debtor, with this Court's concurrence." Motion at ¶ 7. As set forth below,



Mr. Taubitz's due process rights have not been denied or infringed upon and, as such, the Motion should be denied.

2. Mr. Taubitz has been provided with all necessary notices in the City's bankruptcy case. See, e.g., Docket No. 4191 at Exhibit D (Certificate of Service for Second Amended Plan for the Adjustment of Debtors of the City of Detroit and Second Amended Disclosure Statement with Respect to Second Amended Plan for the Adjustment of Debts of the City of Detroit); Docket No. 1164 at Exhibit B, p. 1837 (Certificate of Service for Notice of Commencement of Case Under Chapter 9, Notice of Automatic Stay and Purposes of Chapter 9, Notice of Deadline and Procedures for Filing Objections to the Chapter 9 Petition and Notice of City's Motion to Limit Notice). As a result, Mr. Taubitz has had every opportunity to participate — and actually has participated — in the City's bankruptcy case. For example, Mr. Taubitz objected to the City's eligibility to be a chapter 9 debtor (see Docket No. 446); filed discovery requests in connection with the eligibility proceedings (see Docket No. 588); and participated in the Bankruptcy Court's September 19, 2013 hearing on objections to eligibility filed by individuals (see September 19, 2013 Hr'g Transcript at 78:11-82:16). Mr. Taubitz also filed objections to the City's proposed plan of adjustment and related disclosure statement (see Docket Nos. 3844, 3845) and participated in the April 11, 2014 "meet and confer session" with counsel for

the City regarding the disclosure statement (see Docket No. 4075 at Exhibit A, p. 5). Thus, Mr. Taubitz has had, and will continue to have, the opportunity to participate in the City's bankruptcy case and has not been denied due process.

3. Given the tens of thousands of individual creditors in this chapter 9 case, it is not possible for the City to negotiate with each such creditor individually.<sup>1</sup> Nevertheless, following its receipt of the Motion, the City attempted several times to contact Mr. Taubitz to discuss his particular concerns. However, the phone number listed on the Motion appears to be an invalid phone number, and the City's efforts to contact Mr. Taubitz prior to the filing of this Objection were unsuccessful.

In light of the foregoing, the City respectfully requests that this Court enter an order denying the Motion.

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<sup>1</sup> In light of this reality, the City requested the appointment of, and the Court appointed, an official committee of retirees to represent the interests of creditors similarly situated to Mr. Taubitz.

Dated: April 30, 2014

Respectfully submitted,

/s/ Heather Lennox

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ATTORNEYS FOR THE CITY

### **CERTIFICATE OF SERVICE**

I, Heather Lennox, hereby certify that the foregoing Objection of Debtor to Amended Motion to Participate in Any Negotiations, was filed and served via the Court's electronic case filing and noticing system on this 30th day of April, 2014.

/s/Heather Lennox